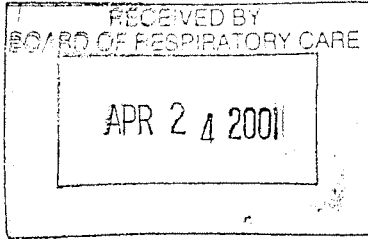


FILED WITH THE BOARD OF
RESPIRATORY CARE

ON 24 April 2001
Robert R. O'Neil



STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF RESPIRATORY CARE

IN THE MATTER OF	:	
	:	
DONNA PENDER-KIMBOROUGH	:	Administrative Action
	:	
LICENSED TO PRACTICE	:	
RESPIRATORY CARE IN	:	FINAL ORDER OF
THE STATE OF NEW JERSEY	:	DISCIPLINE
	:	

This matter was opened to the Board on information received which the Board has reviewed and on which the following findings of fact and conclusions of law are made.

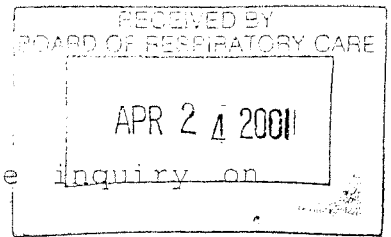
FINDINGS OF FACT

1. Respondent has been a licensee of the Board at all times relevant hereto.

2. By letter of October 24, 2000, (sent certified and regular mail to respondent's address on file with the Board), the Board directed respondent to appear at an investigative inquiry on November 14, 2000 to discuss with the Board a drug screen she had undergone which allegedly was positive for cocaine metabolites.

3. The certified mail receipt was signed for at respondent's address, and the regular mail was not returned. Respondent failed to appear for investigative inquiry on November 14, 2000.

4. By letter of December 11, 2000 (sent certified and regular mail to respondent's address on file with the Board), the Board



directed respondent to appear at an investigative inquiry on January 2, 2001 to discuss the alleged positive drug screen.

5. The certified mail receipt was not returned, and the regular mail was not returned. Respondent failed to appear for investigative inquiry on January 2, 2001.

CONCLUSIONS OF LAW

Respondent's actions as set forth herein constitute a failure of the duty to cooperate in an investigation of the Respiratory Care Board in violation of N.J.A.C. 13:45C-1.2 and 1.3 which constitutes professional misconduct in violation of N.J.S.A. 45:1-21(e).

Based on the foregoing findings and conclusions, a Provisional Order of Discipline suspending respondent's license to practice in the State of New Jersey was entered on January 9, 2001 and a copy was forwarded to respondent at the last known address on file with the Board. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the 30th business day following entry unless respondent requested a modification or dismissal of the stated Findings of Fact or Conclusions of Law by submitting a written request for modification or dismissal setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting respondent's request for consideration and reasons therefor.

Although the Provisional Order sent by means of certified mail was returned as "unclaimed" the regular mail was not returned. Because the Order was forwarded to respondent's address of record,

the Board deems service to have been effected. Accordingly, it is determined that further proceedings were not necessary and that the Provisional Order should be made final.

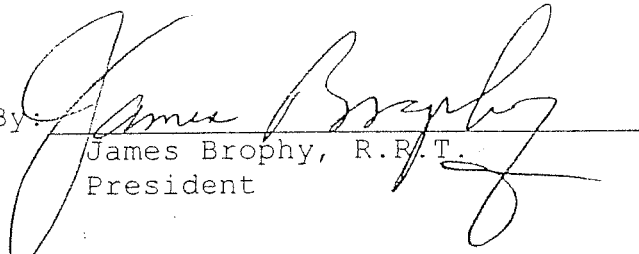
IT IS, THEREFORE ON THIS 13 DAY OF April, 2001,
ORDERED THAT:

1. The license of Donna Pender-Kimborough is hereby suspended until such time as she appears for investigative inquiry before the Board of Respiratory Care.

NEW JERSEY STATE BOARD OF
RESPIRATORY CARE



By:


James Brophy, R.R.T.
President

STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF RESPIRATORY CARE

IN THE MATTER OF	:	
	:	
Donna Pender-Kimbrough	:	
License No. ZA003116	:	CERTIFICATION
	:	
LICENSED TO PRACTICE	:	
RESPIRATORY CARE IN THE	:	
STATE OF NEW JERSEY	:	

I, DORCAS K. O'NEAL of full age, depose and say:

1. I am Executive Director at the New Jersey State Board of Respiratory Care (the "Board"), having offices at 124 Halsey Street, Newark, New Jersey 07101.
2. I am custodian of the records fo the State Board of Respiratory Care.
3. Donna Pender-Kimbrough, License No. ZA 003116, was licensed to practice respiratory care in the State of New Jersey from May 19, 1995 until April 24, 2001, and from April 1, 2002 to March 31, 2004, after which time respondent permitted her license to lapse.
4. A Final Order of Discipline, dated April 13, 2001, ("Final Order") was mailed to respondent's address on file by certified and first class mail on or about April 24, 2001. Under the Final Order, respondent's license was suspended due to her failure to fulfill the duty to cooperate in an investigation of the

Respiratory Care Board, until such time as she appeared for an investigative inquiry before the Board.

5. No response was received at any time following issuance of the Final Order.

6. Due to an administrative error, respondent was issued a biennial renewal application and renewed license for the period of April 1, 2002 to March 31, 2004 on or about April 10, 2002.

7. No response to the letters directing respondent to appear for further inquiry following the erroneous issuance of the biennial renewal application and renewed license, sent by certified and first class mail to respondent's address on file with the Board, was received.

8. Nor did the Board receive a response to the subpoena to appear and testify before the Board of Respiratory Care on January 6. Service was attempted at respondent's address on file with the Board.

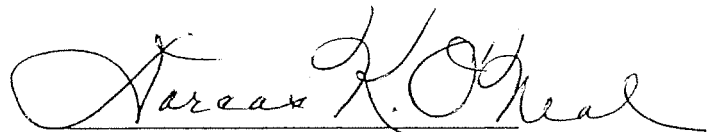
9. Respondent failed to appear at the investigative inquiry on January 6, 2004.

10. Respondent failed to submit a license renewal application and fee prior to March 31, 2004, the expiration date of her license. Nor did she renew the license within thirty days of its expiration.

I certify that the foregoing statements made by me are true as evidenced by Board records.

Date:

25 May 2004



Dorcas K. O'Neal
Executive Director
Board of Respiratory Care